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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LANGDON, EVAN H	
ART UNIT	**PAPER NUMBER**
3654	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/616,351	ENYEDY, EDWARD	
	Examiner	Art Unit	
	Evan H. Langdon	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-12 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bobeczko et al (US 6,557,742).

In regards to claims 1 and 13, Bobeczko discloses a wire feeding mechanism for advancing a continuous length of wire along a pathway, said wire feeding mechanism comprising:

a housing 16 having two roller supports each rotatable about a corresponding axis transverse to the pathway, the roller supports being on opposite sides of the pathway and being driveably engaged with each other (Fig. 1);

a drive roller 34 on each roller support for rotation therewith and having a roller axis coaxial with the axis of the corresponding roller support each the driver roller including a hub having an outer surface 50 extending circumferentially about the roller axis, and a coating 36 on the outer surface 50; and

the plating 34 of each of the drive rollers tangentially and compressively contacting a continuous length of wire therebetween such that the wire is advanced along the pathway in response to the rotation of the drive roller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 9-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobeczko et al (US 6,557,742) in view of Sanda et al. (US 6,851,644 B2).

Sanda teaches a drive roller having a plating on the outer surface made of chrome (col. 6 lines 1-5 and 38-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plating of Bobeczko to include chrome as suggested by Sandra, to reinforce with a hardness layer for continuous contact (col. 5 lines 61-67).

In regards to claims 4 and 17, it is inherent that chrome has a Rockwell hardness of about Rockwell C 70 to about Rockwell C 72.

With respect to claims 3, 5, 16 and 18, Bobeczko as modified by Sandra does not disclose specific values for the thickness of the plating or the percentage of composition of the plating. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable

ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the plating between 0.0001 and 0.0030 inches thick, or 0.004 and 0.0006 inches thick. In addition, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to use chrome that is between about 96% and 97% chromium.

Claims 6-8 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobeczko et al (US 6,557,742) in view of McBride (US 3,756,760).

McBride teaches a drive roller having a plating on the outer surface made of nickel (col. 2 lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plating of Bobeczko to include nickel as suggested by McBride, to provide flexure (col. 2 line 67).

In regards to claims 7 and 20, it is inherent that nickel has a Rockwell hardness of about Rockwell C 60.

With respect to claims 8 and 21, Bobeczko as modified by McBride does not disclose specific values for the thickness of the plating. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the plating between 0.0001 and 0.0030 inches thick.

Response to Arguments

Applicant's arguments filed 13 July 2006 have been fully considered but they are not persuasive. In response the to the applicant's argument that the U.S. Patent No. 6,557,742 to Bobeczko et al. was issued less than one year to the filing date of the subject application, the rejection has properly made under 35 U.S.C. 102(e). Although the reference is commonly assigned, the reference is "by another." Note that, when there are joint inventors, only one inventor needs to be different for the inventive entities to be different and a rejection under 102(e) may be applicable. See MPEP 706.02(a). In the subject application, none of the inventors are the same.

In regards argument that the word plating does not encompass a rubber pr plastic material as disclosed by Bobeczko, the subject application defines plating as being a plating or coating on page 4 of the specification. Plating is does not mean nor is it defined as meaning a hard metal. Plastic would be encompassed by plating or coating.

In response to the Applicant's argument that there is no suggestion to combine the references on page 8 of the response, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya,* 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of the disclosure taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin,* 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather then by their specific disclosures. *In re Bozek,* 163 USPQ 545

(CCPA 1969). In this case, Sanda teaches adding a chrome hardness reinforcer layer (col. 5, lines 61-66) added on top of the flexible cover for ensuring sufficient physical intensity of the roller body (col. 6, lines 10-11).

In regards to applicant's argument on page 9 of the response, the purpose of the nickel coating on the rubber layer of of McBreide is to provide a more uniform finish on the imparted material, for the purpose of not lowering the quality or condition of the plastic material, a purpose and motivation that is very much applicable to the drive roller of a wire feeding apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl

EMMANUEL MARCELO
PRIMARY EXAMINER

8-4-06